

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMIRALI Y. HAIDRI, ESQ.
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Attorney for Plaintiff(s)
Our File No. 1449

WILLIAM ARAUJO,	:	Civil Action.: 1:19-cv-05785-JPC-SN
	:	
Plaintiff,	:	
	:	DECLARATION OF PLAINTIFF
vs.	:	
E. MISHAN & SONS, INC. and FORGOT MY	:	
SOUVENIRS, LLC,	:	
	:	
Defendant.	:	

I, William Araujo, being of full age and sound mind hereby declare the following facts to be true.

1. I am the plaintiff in the matter before this Court. I sued both defendants herein for infringement of my U.S. Patent No, 9,446,276 claiming an Exercise Apparatus for Strengthening Abdominal Muscles. I am therefore fully familiar with the facts recited herein or upon information believe them to be true.

2. Following a Markman hearing, the Court rendered a Claim Construction Opinion and Order on June 29, 2022 under Document No. 93.

3. In light of that ruling, I abandoned my pursuit of this case. I did not appear before the Honorable Sarah Netburn, U.S.M.J. for a settlement conference, seek an interlocutory appeal or pursue this matter to final judgment followed by a plenary appeal.

4. Earlier on I filed an action in the United States District Court for the District of New Jersey under Civil Action No. 2:15-cv-05327-MCA-LDW entitled William Araujo v. eBay, Inc., et al. I settled that matter. No Markman ruling was handed down in that matter.

5. I still have the option to pursue infringement actions against other defendants before the term of my patent expires and before any statute of limitations runs.

6. In any new action I might file, I could conceivably receive a settlement before the case proceeds to a Markman hearing. However, if this Court's ruling in Document No. 93 is publicly available, I might not receive a settlement. In fact, the Court hearing my new action may consider itself bound by this Court's Markman ruling.

7. Accordingly, it is just and proper that Document No. 93 be sealed.

8. Relief is requested accordingly.

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements, made by me are wilfully false, I am subject to punishment.



William Araujo

Dated: September 20, 2022